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MINISTRY OF LAW

New Delhi, the 6th October, 1953

The following President's Act enacted on the 6th October, 1953 is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION LAND ACQUISITION ACT, 1953

No. 5 OF 1953

[6th October, 1953]

An Act to extend the Land Acquisition Act, 1894, to the State of Patiala and East Punjab States Union so as to provide for the acquisition of land for purposes other than purposes of the Union.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Patiala and East Punjab States Union Land Acquisition Act, 1953.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force at once.

2. Definition.—In this Act, 'the Land Acquisition Act' means the Land Acquisition Act, 1894 (I of 1894), as enacted by the Central Legislature and as in force immediately before the commencement of this Act.

3. Extension of Central Act I of 1894 to the State.—On and from the commencement of this Act, the Land Acquisition Act, in so far

as it relates to the acquisition of land for purposes other than purposes of the Union, shall extend to, and be in force in, the State of Patiala and East Punjab States Union subject to the modifications specified in the Schedule.

4. Validation of certain acquisitions, awards and agreements.—Notwithstanding any judgment, decree or order of any court,—

(a) all lands acquired before the commencement of this Act by the Government for any public purpose in the exercise or purported exercise of the powers conferred by the Patiala and East Punjab States Union Land Acquisition Act, 2006BK., possession whereof had been taken before such commencement, and

(b) all awards and agreements for the payment of compensation in respect of any such lands as are referred to in clause (a) made or entered into before the commencement of this Act,

shall be deemed to have been acquired, made or entered into in accordance with law, and the provisions of the Land Acquisition Act shall apply thereto as if the acquisition, award or agreement had been made or entered into in accordance with that Act.

5. Repeals and savings.—(1) The Patiala Land Acquisition Act, 1995BK., and the Patiala and East Punjab States Union Land Acquisition Act, 2006BK., are hereby repealed:

Provided that anything done or any action taken, including any order, notification or rules made or issued in the exercise or purported exercise of the powers conferred by or under either of the Acts aforesaid shall, in so far as they are not inconsistent with the provisions of the Land Acquisition Act, be deemed to have been done or taken in the exercise of the powers conferred by or under the Land Acquisition Act as if that Act was in force on the date on which such thing was done or such action was taken.

(2) Notwithstanding anything contained in sub-section (1), where any petition for revision under the Patiala Land Acquisition Act, 1995, is pending for disposal before any authority immediately before the commencement of this Act, such application shall be disposed of by the Financial Commissioner (Revenue), in accordance with the provisions of that Act.

THE SCHEDULE

(See section 3)

MODIFICATIONS SUBJECT TO WHICH THE LAND ACQUISITION ACT EXTENDS TO THE STATE

1. In section 1, sub-sections (2) and (3) shall be omitted.
2. In section 3, clause (ee) shall be omitted.
3. Throughout the Act, for the words "appropriate Government" wherever they occur, the words "State Government" shall be substituted.
4. In sub-section (1) of section 23, for clause 'first' the following clause shall be substituted, namely:—

"first, the market value of the land at the date of the publication of the notification under sub-section (1) of section 4 or where more than three years have elapsed between the date of

publication of the notification under the said sub-section and the date of taking possession of such land (whether such possession is taken before or after the date of the award determining the compensation), the market value of the land immediately before the date of the award;”.

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

Reasons for the enactment

There is no uniform law in the Patiala and East Punjab States Union providing for compulsory acquisition of land for a public purpose. The enactment of a suitable law on the subject is therefore a matter of urgency. The present Act seeks to extend to the Patiala and East Punjab States Union the Land Acquisition Act, 1894, insofar as it relates to acquisition of land for public purposes, other than the purposes of the Union, subject to the modification that, where more than three years have elapsed between the date of the publication of a preliminary notification and the date of taking possession of the land, the market value of the land at the date of the award and not the market value of the land at the date of the publication of the preliminary notification should be taken into consideration for the purpose of determining the compensation.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), has approved the enactment of this measure.

C. S. VENKATACHAR,
*Secy. to the Govt. of India,
Ministry of States.*

